

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CIVIL ACTION NO. H-04-3154
§
GREGORY J. COLSON, §
§
Defendant. §

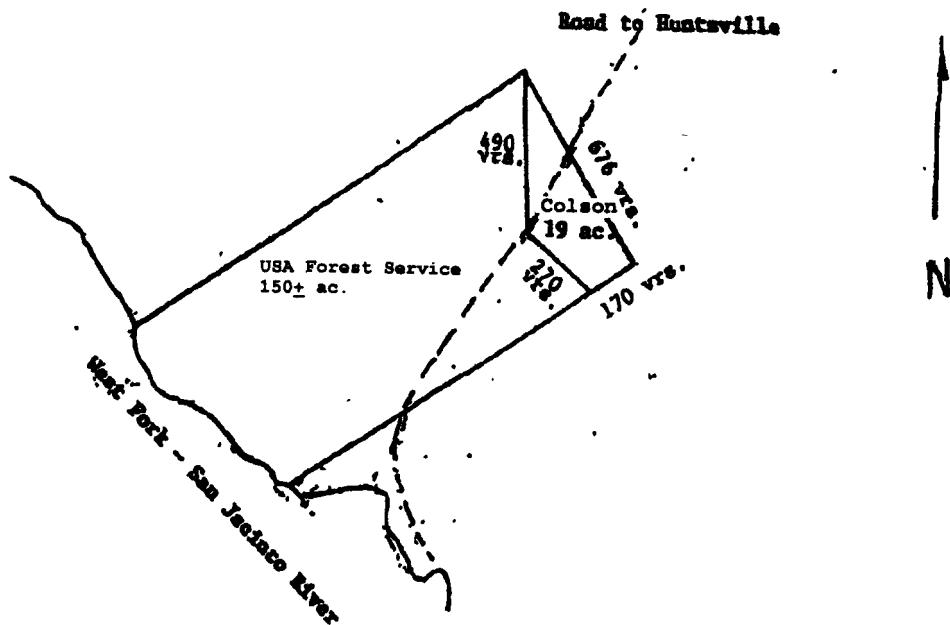
FINAL JUDGMENT

On the 12th day of June, 2006, this case came on for trial by jury and, after the parties had presented their evidence and rested, and made their closing arguments to the jury, the Court submitted the case to the jury on special interrogatories; and, after due deliberation, the jury returned its Verdict and Supplemental Verdict, which the Court accepted and ordered filed and upon which the Court now enters judgment as follows:

It is ORDERED, ADJUDGED, and DECLARED that Plaintiff United States of America is entitled to use and enjoy that certain road established as "Cotton Loop Road from 1374 to Forest Service land" by Order of the Walker County Commissioners Court on July 14, 1975, formerly known as a portion of the Huntsville Montgomery Road, which crosses that certain tract of land consisting of 19 acres in Walker County, Texas, being a part of the H. H. Smith Survey, and owned by Defendant Gregory J. Colson, which 19-acre tract of land is described as follows:

Beginning at the east corner of said Smith Survey, which is also one corner of the most western T. J. Hall 320 acre survey, a stake from which a red oak 20 inches bears N 21° W 5-8/10 varas - Thence S 54½° W with line between Smith and Hall Surveys 170 varas to stake from which a pine 12 inches bears N 27½° W 9 varas and a post oak 8 inches bears S 20° E 3-8/10 varas - Thence N 51½° W 270 varas to stake on east side of *Huntsville Montgomery Road* from which a pine 20 inches bears S 25° W 5-8/10 varas; Thence N 4° W 490 varas to NE line of said Smith Survey, a stake from which a pine 20 inches bears S 46° W 1½ varas; Thence S 34° E with line between Smith & Hall Surveys 676 varas to beginning. Containing 19 acres of land.

The 19 acre tract described above (hereinafter referred to as the "Colson 19-acre tract"), the adjacent United States Forest Service tract of 150 acres, more or less, and the approximate location of the Cotton Loop Road from 1374 to Forest Service land, across the Colson 19-acre tract and across the Forest Service 150-acre tract, are shown on the following sketch:



It is further

ORDERED, ADJUDGED, and DECLARED that the United States is entitled, together with the general public, to use the above described Cotton Loop Road across Colson's 19-acre tract of land by reason of the implied dedication of such road before Colson acquired title and possession of the 19-acre tract of land; and it is further

ORDERED, ADJUDGED, and DECLARED that the United States, as successor in title to that certain tract of land consisting of 150 acres more or less, described in and conveyed by warranty deed dated August 28, 1905, from J. E. Rhodes to E. L. Angier, recorded in Volume 22, page 538, Deed Records of Walker County, Texas, is entitled to a road easement by implied grant across the Colson 19-acre tract of land, which road easement is conterminous with the above-described Cotton Loop Road from 1374 to Forest Service land.

It is further

ORDERED and ADJUDGED that Defendant Gregory J. Colson, his heirs, successors, and assigns, and all those acting in concert with him, are permanently ENJOINED from interfering with or impeding the free use of the above-described road across the Colson 19-acre tract by the United States Forest Service, its contractors, and the general public seeking ingress to and egress from the Sam Houston National Forest; and it is further

ORDERED and ADJUDGED that Defendant Gregory J. Colson at his expense shall forthwith REMOVE the two gates and any other obstructions that he and those acting in concert with him have placed across the above-described road that interfere with or impede the free use of such road by the United States Forest Service and the general public in attaining ingress to and egress from the Sam Houston National Forest. It is further

ORDERED and ADJUDGED that Plaintiff United States of America is awarded its costs of court against Defendant Gregory J. Colson.

All other and further relief sought by any party hereto and not expressly granted herein is DENIED.

This is a **FINAL JUDGMENT.**

The Clerk will enter this Order and send copies to all counsel of record.

SIGNED at Houston, Texas, on this 15th day of June, 2006.


EVING WERLEIN, JR.
UNITED STATES DISTRICT JUDGE